

A BILL

To amend laws relating to Federal personnel and their dependents to take into account the Territory of Alaska having become a State of the Union.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 207 of the Independent Offices Appropriation Act, 1949 (62 Stat. 176, 194), as amended (5 U. S. C., sec. 118h), is further amended by inserting the words "(except Alaska)" after the words "conditions of environment in the States" preceding the first proviso, and by substituting for the third proviso the following: "Provided further, That except in Alaska such additional compensation shall not exceed in any instance 25 per centum of the rate of basic compensation, and in Alaska additional compensation based on conditions of environment shall not exceed 25 per centum of the rate of basic compensation."

SEC. 2. (a) Sections 1 and 7 of the Administrative Expenses Act of 1946 (60 Stat. 806, 807, 808), as amended (5 U. S. C., sec. 73b-1, 3), are further amended by deleting the words "continental limits of the United States" and "continental United States" wherever they appear, and by substituting therefore the words "States of the Union and the District of Columbia".

(b) Section 1(b) of the Administrative Expenses Act of 1946 (60 Stat. 807), as amended (5 U. S. C., sec. 73b-1(b)), is further amended by substituting a colon for the period at the end of the

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first sentence thereof, and by adding immediately after such colon the following proviso: "Provided, That the President may authorize the payment of actual expenses in the case of such transfers between points within Alaska and between Alaska and other points in the United States until such time as adequate data are available to permit reimbursement on a commuted basis in those cases."; and by deleting from the last sentence thereof the term "within Alaska, or between the continental United States and Alaska," and by substituting therefore the words "or between Alaska and the other States of the Union or the District of Columbia,".

(c) Section 5 of the Administrative Expenses Act of 1946 (60 Stat. 808), as amended (5 U. S. C., sec. 73b-2), is further amended by deleting the words "continental United States" where they appear, and by substituting therefore the words "States of the Union (except Alaska) and the District of Columbia".

(d) Section 7 of the Administrative Expenses Act of 1946 (60 Stat. 808), as amended (5 U. S. C., sec. 73b-3), is further amended by deleting from subsection (b) the words "and Alaska".

(e) Section 18 of the Administrative Expenses Act of 1946 (60 Stat. 811, 812, 5 U. S. C., sec. 73b-4) is amended by deleting the second sentence.

SEC. 3. The Act of June 5, 1936 (49 Stat. 1483, 5 U. S. C., sec. 73d), is amended by adding the words "(including Alaska)" after the words "continental United States" wherever they appear in that Act.

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SEC. 4. The Act of May 14, 1937 (50 Stat. 166, 5 U. S. C., sec. 75c), entitled "An Act authorizing allotment of pay by civilian personnel stationed abroad", is amended by substituting the words "States of the Union and the District of Columbia" for the words "continental limits of the United States" where they appear in that Act.

SEC. 5. Section 1 of the Act of July 8, 1940 (54 Stat. 743, 744), as amended (5 U. S. C., sec. 103a), is further amended by deleting the words "or in Alaska" from subsection (c), and by adding at the end the following subsection: "(d) As used in this section, the terms 'United States' and 'continental United States' when used in a geographic sense mean the States of the Union, including Alaska, and the District of Columbia."

SEC. 6. That part of the miscellaneous provisions of the Department of Agriculture Appropriation Act of June 30, 1914 (38 Stat. 415, 441), as amended (5 U. S. C., sec. 535), dealing with leaves of absence, and that part of the State Relations Service title of the Department of Agriculture Appropriation Act of July 24, 1919 (41 Stat. 234, 262), as amended (5 U. S. C., sec. 536), dealing with leaves of absence for employees in the Virgin Islands, are each amended further by striking the word "Alaska" wherever it appears therein.

SEC. 7. The Act of February 16, 1931 (46 Stat. 1162-1163, 5 U. S. C., sec. 543a), entitled "An Act to facilitate work of the Department of Agriculture in the Territory of Alaska" is repealed.

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SEC. 8. Section 3 of the Travel Expense Act of 1949 (63 Stat. 166), as amended (5 U. S. C., sec. 836), is further amended by deleting the words "continental United States" wherever they appear therein, and by substituting therefore the words "States of the Union (except Alaska) and the District of Columbia".

SEC. 9. Section 102 of the Federal Employees Pay Act of 1945 (59 Stat. 295, 296), as amended (5 U. S. C., sec. 902), is further amended by deleting from subsection (b)(2) the words "continental limits of the United States, including those in Alaska," and substituting therefore the words "States of the Union and the District of Columbia,".

SEC. 10. Section 2 of the Performance Rating Act of 1950 (64 Stat. 1098), as amended (5 U. S. C., sec. 2001), is further amended by substituting for subsection (b)(11) the following: "(11) employees outside the States of the Union and the District of Columbia who are paid in accordance with local native prevailing wage rates for the area in which employed;".

SEC. 11. Section 7(a) of the Federal Employees' Group Life Insurance Act of 1954 (68 Stat. 736, 739, 5 U. S. C., sec. 2096(a)), is amended by substituting the word "all" for the word "forty-eight" in the first proviso.

SEC. 12. (a) Title 10, United States Code, sections 3689 and 8689, are amended by deleting the word "Alaska," from subsection (b) of each section.

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(b) Title 10, United States Code, sections 4746 and 9746 are repealed.

SEC. 13. Title 14, United States Code, section 367, subsection (a) (2), is further amended by deleting the words "or in Alaska" where they appear.

SEC. 14. The Act of March 4, 1913 (37 Stat. 843, 16 U. S. C., sec. 558), is repealed.

SEC. 15. The provisions of this Act shall not affect the terms of employment agreements between the Government and Federal personnel entered into under sections 1 and 7 of the Administrative Expenses Act of 1946 and in effect on the date of approval of this Act.

A bill to amend laws relating to Federal personnel and their dependents to take into account the Territory of Alaska having become a State of the Union

Section-by-Section Analysis

Section 1 amends section 207 of the Independent Offices Appropriation Act, 1949, as amended. Section 207 now authorizes payment of additional compensation to Federal employees stationed outside the continental United States or in Alaska whose rates of basic compensation are fixed by statute. Additional compensation for such employees is based on living costs substantially higher than those in the District of Columbia, or conditions of environment which differ substantially from those in the States. Such compensation generally is prescribed under regulations of the President, and the maximum additional compensation at present may not exceed 25 percent of an employee's basic compensation. The first part of the amendment would exclude Alaska from consideration as one of the States in determining whether local conditions differ from those in the States. Without that amendatory language no additional compensation for differences in conditions of environment could be paid in Alaska. The second part of the amendment would eliminate the limit on additional compensation for differences in costs of living in Alaska, and limit additional compensation for differences in conditions of environment in Alaska to 25 percent of an employee's basic compensation.

Section 2 amends the Administrative Expenses Act of 1946, as amended (including amendments made by Public Laws 85-326, 85-749, and 85-858), to eliminate certain references to Alaska and special provisions relating to employment in Alaska. Subsection (a) amends sections 1 and 7 of the Act to substitute the phrase "States of the Union and the District of Columbia" for the phrase "continental United States". In effect, this amendment precludes the payment to new appointees to positions in Alaska of expenses for their travel and the transportation of their immediate families, household goods and personal effects from their places of actual residence to places of employment in Alaska, and return. Such new appointees would continue to receive benefits available to appointees to positions in other States, including payment of travel and moving expenses available for new appointees to technical positions for which there is a manpower shortage under terms of Public Law 85-749. The amendment would not affect benefits available to employees being transferred or reassigned to or from positions in Alaska, since those benefits do not differ from benefits available on moving to other States. It also precludes employees and their immediate families in Alaska from receiving free transportation to their actual residences and return in connection with "home leave".

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Subsection (b) of section 2 provides further amendments to clarify section 1(b) of the Administrative Expenses Act. Subsection (b) adds a proviso to section 1(b) of the Act to permit payment of actual moving expenses in connection with transfers of employees to Alaska, or between points within Alaska. In the absence of such a proviso payments would have to be made on a commuted rate basis as elsewhere in the continental United States, yet insufficient data are available at present to determine commuted rates properly between other States and Alaska. The subsection also revises language made superfluous by the new language set forth in subsection (a) of this bill. The language being revised was added to section 1(b) of the Act by Public Law 85-326 (72 Stat. 14) dealing with mileage allowances for transportation of employees' house trailers, in lieu of allowances for transportation of their household goods and personal effects. The change would not alter the present effect of that law.

Subsection (c) of section 2 clarifies section 5 of the Administrative Expenses Act to provide for the continuation of the present authority to pay per diem allowances to persons serving without compensation in Alaska under regulations of the Director of the Bureau of the Budget without regard to the \$15 maximum authorized elsewhere in the continental United States.

Subsections (d) and (e) of section 2 amend sections 7 and 18 of the Administrative Expenses Act, as amended, to delete language made superfluous by the new language set forth in subsection (a). The language deleted in subsection (d) was added to the Act by Public Law 85-749. The changes would not alter the effect of those provisions.

Section 3 amends the Act of June 5, 1936, which provides certain benefits to Federal personnel in the Virgin Islands, to include Alaska in the term "continental United States" wherever it appears. The change would not alter benefits now available to personnel in the Virgin Islands.

Section 4 amends the Act of May 14, 1947, to clarify the areas of duty in which employees may make allotments from their pay. Employees in Alaska would no longer be eligible for such service and would be placed on the same basis as those in other States.

Section 5 amends the Act of July 8, 1940, as amended, to place Federal employees in Alaska on the same basis as Federal employees in the other States with respect to benefits available to them in the event of a dependent's death, or with respect to benefits available to their dependents and estates in the event of the death of the employees. Special benefits with respect to preparing and transporting bodies to their homes and the transportation home of dependents and household effects would cease except insofar as they are available in other States.

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Section 6 amends two acts, the Act of June 30, 1914, and the Act of July 24, 1919, as amended, to exclude employees of the Department of Agriculture assigned to permanent duty in Alaska from receiving and accumulating additional leave not to exceed thirty days a year for such duty.

Section 7 repeals the Act of February 16, 1931, under which the Secretary of Agriculture was authorized to furnish subsistence and personal supplies on a reimbursable basis to employees of the Department of Agriculture in Alaska.

Section 8 clarifies section 3 of the Travel Expense Act of 1949 to provide for continuation of the authority to pay per diem allowances in Alaska under regulations of the Director of the Bureau of the Budget without regard to the \$12 maximum authorized elsewhere in the continental United States.

Section 9 amends the provisions of the Federal Employees Pay Act of 1945, as amended, to provide for coverage under the Act of employees in Alaska who are paid in accordance with local native prevailing wage rates for the area in which employed. Such employees would be placed under the Pay Act in the same manner as employees in other States.

Section 10 amends the Performance Rating Act of 1950, as amended, to exclude native employees in Alaska from the current exception from coverage under the Act of such employees outside the continental United States paid in accordance with local native prevailing wage rates.

Section 11 amends section 7(a) of the Federal Employees' Group Life Insurance Act of 1954, as amended, to provide that companies from which group policies are purchased must either be licensed in all the States (instead of "forty-eight" States as the law now states), or have in effect employee group life insurance equal to at least one percent of the total such insurance in the United States. No change is proposed in the latter alternative.

Section 12(a) amends sections 3689 and 8689 of Title 10, United States Code, to terminate the authority of contract surgeons and contract dental surgeons with the Departments of the Army and Air Force in Alaska to transfer and assign their pay accounts. Such authority does not exist in other States.

Section 12(b) repeals sections 4746 and 9746 of Title 10, United States Code, dealing with the use of military carriers in connection with free transportation for home leave for United States employees serving in Alaska.

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Section 13 amends section 367 of Title 14, United States Code, dealing with Coast Guard enlistments to provide for detention beyond the term of enlistment on the same basis in Alaska as in the other States.

Section 14 repeals the Act of March 4, 1913, authorizing additional leave, not to exceed thirty days a year, for Forest Service employees on duty in Alaska.

Section 15 provides that the provisions of this bill would not affect the terms of employment agreements between the Government and Federal personnel entered into under sections 1 and 7 of the Administrative Expenses Act and in effect on the date this bill is approved.

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Remarks: John - it looks good to me, assuming of course that all provisions of the law would or could be made applicable to our personnel if it passes. An example of what I mean is the "4 year rule" on Transportation of Motor Vehicles as stated on Page 15. I assume this would apply to us even though it is not specifically covered in the CIA act amendment dealing with this subject (bottom of page 16 and top of page 17).					

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it seems to me that there not only is nothing wrong with the detailed content but even more important it would lead to uniformity of practice by all agencies overseas and thus solve many problems growing out of inconsistent rules. (e.g. 45 day leave accumulation provision - page 17-sec. 401)

Jmt

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Remarks:					
<p>Attached is quite similar to H.R. 3527 circulated about a year ago & from memo of 28 Feb. 1958 with regard thereto (which is also attached) it would appear that the Agency feeling was quite unanimously favorable.</p> <p>I think our recommendation on the instant bill should also be favorable for <u>over</u></p>					
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